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18 *Attorneys for Plaintiff*
ORACLE AMERICA, INC.

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 ORACLE AMERICA, INC.

Case No. CV 10-03561 WHA

24 Plaintiff,

**DECLARATION OF ANDREW C.
TEMKIN IN SUPPORT OF ORACLE'S
REQUEST FOR ACCESS TO
ATTORNEYS' EYES ONLY
INFORMATION**

25 v.

26 GOOGLE INC.

Date & Time: May 31, 2011 at 11:30 a.m.
Dept: Courtroom 4, 3rd Floor
Judge: Honorable Donna M. Ryu

27 Defendant.

1 I, Andrew C. Temkin, state:

2 1. I am an attorney at law, licensed to practice in the State of California and before
3 this Court. I have personal knowledge of the facts stated in this declaration and could testify
4 competently to such facts if called as a witness.

5 2. I received my law degree from Santa Clara University School of Law in
6 June 1998, and was admitted to the California bar in October 1998. I practiced law as an
7 associate in the IP Litigation and General Litigation Departments at Cooley Godward, LLP from
8 1998 to 2004, and then with Skadden Arps Slate Meagher & Flom, LLP from 2004 to 2009. My
9 career in private practice was devoted to IP and commercial litigation.

10 3. When I joined Oracle as Corporate Counsel, I became a member of the Litigation
11 Group within the legal department. Although my title is "Corporate Counsel," I am not a
12 corporate lawyer, nor do my responsibilities include advising Oracle with respect to corporate
13 matters. Other groups within Oracle's legal department provide that assistance.

14 4. As a member of the Litigation Group, I represent Oracle in litigation and oversee
15 the work of outside counsel in such matters. I also assist and advise internal clients with respect
16 to disputes and potential litigation. In this capacity, I represent Oracle in disputes with customers,
17 distributors, and partners. While I evaluate claims for breach of contract against the Company or
18 that the Company may have, I have no responsibility for drafting commercial contracts. I do
19 occasionally review product design and development, marketing, and financial documents in the
20 context of managing ongoing disputes, but I have no input into preparing such materials. Nor do
21 I have any involvement in employment or research and development matters.

22 5. As part of my responsibilities, I work on matters where Oracle is defending against
23 copyright and patent infringement claims. I also work on matters where Oracle seeks to obtain
24 payment from customers using its software outside the scope of their licenses, or who fail to pay
25 for their Oracle products or services. These matters have not resulted in litigation. I have no
26 involvement whatsoever in competitive decision-making, including decisions regarding contracts,
27 pricing, marketing, product or service development or design, product or service offerings,

research and development, or licensing, acquisition or other enforcement of intellectual property rights.

6. In addition to litigation management, my duties include evaluation of licensing demand letters and other patent threats and evaluation of patent-related indemnification requests from Oracle customers. I represent Oracle in responding to third party subpoenas related to intellectual property issues. As part of my responsibilities, I also draft settlement agreements, including in patent infringement and copyright lawsuits. Except in the context of these settlements, I am not involved in the preparation of patent license agreements. I am not a member of the patent bar, have never drafted a patent application, and have not supervised or participated in patent prosecution on behalf of Oracle or another company.

7. Apart from the present case, I have not managed or supervised litigation by Oracle to enforce its intellectual property rights against an Oracle competitor. I was not responsible for the decision to file this lawsuit or any other lawsuit.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on May 26, 2011 at Redwood Shores, California.

Mr. G. T. Gaskin

Andrew C. Temkin